

LaRouche rips rigged verdict in round one of NBC trial

by Don Baier

Independent Democratic presidential candidate Lyndon LaRouche vowed on Nov. 2 to fight the rigged verdict in his libel suit against the National Broadcasting Company all the way to the Supreme Court if necessary. "This is just round one," said LaRouche.

• While LaRouche's attorneys are appealing the outcome of his libel suit against NBC and the Anti-Defamation League (ADL) of B'nai B'rith, they will also immediately move to set aside the scandalous \$3,000,000 judgment rendered by the jury against LaRouche on NBC's counterclaim against LaRouche for "interference" with NBC business relations.

"If I did not appeal this ruling, then the American system would be destroyed by the implications of this court's ruling," commented an angry Mr. LaRouche upon being informed of the verdict issued by the federal court jury last night. "The press can accuse a public figure of any crime, citing secret sources, with no proof whatsoever that such sources even exist. Our government can be destroyed by such methods."

LaRouche was referring to the ruling made by Federal District Judge James C. Cacheris at the beginning of his nine-day trial Oct. 22, which permitted NBC to testify concerning information received from secret "confidential sources" without having to disclose the identify of the sources. According to LaRouche, this ruling effectively rigged the entire proceeding, for it enabled NBC reporters and producers to testify at great length concerning stories told to them by various "confidential sources" without having to prove whether these sources even existed or disclose who they were. At the same time, the judge delivered a series of rulings which severely restricted the scope of the evidence LaRouche was permitted to offer, while NBC and the ADL were invited to shovel into the court record as "evidence" 10 years of printed and televised filth against LaRouche by his political enemies—including the lie that he "harassed and threatened journalists."

The jury in the LaRouche case deliberated for eight hours

on the verdict on the main libel case before announcing they had reached a decision. Observers from all sides believed that an intense fight was taking place in the jury room. At about 6:00 p.m., the jury announced that it had reached a verdict in the libel case, but that it was unable to reach a unanimous verdict regarding NBC's counterclaims for business interference and racketeering.

Judge Cacheris ordered the jury to continue deliberations, and it took five more hours until the last holdouts apparently gave in, permitting the jury to deliver a verdict against LaRouche on the business interference count, and for LaRouche on the racketeering count. The jury awarded NBC \$2,000 in "compensatory damages," i.e., to compensate for the estimated actual damage incurred, and then went on to award \$3,000,000 in punitive damages—an award which LaRouche's attorneys say would almost automatically be reduced by a judge under normal circumstances.

But, observers noted, this case was rigged under circumstances that were far from normal. To buttress NBC's claim that LaRouche and his associates harass and intimidate reporters—a central issue in the libel case itself—NBC staged a phony "death threat" incident to its producer Pat Lynch. The *Washington Post* cooperated by publishing an article headlined "Death Threat to NBC Producer" which two jurors admitted seeing the next day. When LaRouche attorneys moved that the two jurors be excused, Cacheris refused. LaRouche attorneys then immediately moved for a mistrial, which Cacheris also denied.

Later in the week, a juror quit the jury, saying she feared for her personal safety. When the *Washington Post* ran another headline "Juror in LaRouche Case Quits in Fear," Cacheris incredibly again refused to allow a mistrial. The climate of fear thus created in the jury, plus the fact that Cacheris permitted NBC attorney Thomas Kavalier to prance around the courtroom ranting and raving about "violence by the LaRouche cult," combined to so contaminate the jury that the \$3,000,000 verdict resulted.



NSIPS

LaRouche's attorney Michael Dennis (at the podium) presented overwhelming evidence of NBC's reckless disregard for the truth, but the court's verdict was rigged. Shown here are defense attorney Thomas Kavalier (center, hand on rail), and NBC's Mark Nykanen and Pat Lynch (far right).

The phony death-threat incident was followed by constant complaints during the trial by NBC and ADL attorneys of harassment by LaRouche associates—including accusations that LaRouche staff members were even following them to the bathroom!

This pattern of lying by defense attorneys started last June, when terrorist-linked defense attorney Philip Hirschkop staged a security-stripping provocation, and then Judge Cacheris accepted Hirschkop's perjured statements concerning the incident, compelling LaRouche to dismiss drug-lobby scribblers Dennis King and Chip Berlet from the case to safeguard his own security. Hirschkop ostentatiously appeared in court on the third day of LaRouche's testimony, apparently hoping to provoke another incident around the security precautions established for the trial.

The two principal appeal grounds will be the refusal to grant a mistrial, and the refusal to preclude NBC from citing its undisclosed secret sources in testimony. Unless the latter ruling is overturned, said LaRouche, there will be no libel law left in this country.

As LaRouche attorney Michael F. Dennis said in his closing argument, the media "are setting themselves up as the Grand Inquisitors of this country." NBC's position toward LaRouche, was, he explained: "If you don't submit to this Inquisition by the media, we will assassinate you by the media." Warning of a "media dictatorship," Mr. Dennis asked the American people to "consider the implications of this for you, and for all of us in this country."

Earlier this week, testimony by Club of Life and B'nai B'rith member John Weber on the morning of Oct. 29 made a mockery of the NBC and ADL claims that LaRouche was an anti-Semite. Weber testified about his lifelong involvement with Jewish affairs and his personal association with LaRouche. He concluded that "if Lyndon LaRouche is an anti-Semite, then I would have to be called an anti-Semite, and no one who knows me would ever call me that."

LaRouche takes the stand

Then plaintiff LaRouche took the witness stand for two days to expose not only the specific compendium of lies that NBC had aired on its Jan. 30 "Nightly News" and March 4 "First Camera" broadcasts, but the entire method of "fallacy of composition" which the reporters used.

LaRouche gave a brief synopsis of his early life, wartime service, experience as a management consultant, and, in slightly more detail, his activities as a political figure into 1983. LaRouche took particular note of the evil role of the League for Industrial Democracy in setting up SDS; McGeorge Bundy and the Ford Foundation in operations around the Columbia University student strike and orchestrating the racist, anti-Semitic operations against the 1968 New York teachers' strike; the development of the NCLC as a philosophical association growing out of LaRouche's economics classes; and the Communist Party's goon operations against LaRouche.

In a direct challenge to NBC's characterization of La-

Rouche as a purveyor of the “politics of hate,” the plaintiffs showed the complete tape of LaRouche’s Jan. 21, 1984 CBS broadcast, “Our National Defense Emergency.” This tape provided the jury with the first opportunity to get an uninterrupted view of LaRouche’s politics. LaRouche’s attorneys emphasized that this tape was in the possession of NBC, which ran flashes from it in their “Nightly News” slander, and therefore demonstrated the “knowing falsity” of the NBC charges against LaRouche.

Another highlight of LaRouche’s testimony was his description of the concept of “golden souls.” On First Camera, Dennis King had declared that LaRouche’s advocacy of “golden souls” was “Adolph Hitler’s program, pure and simple.” LaRouche responded by giving a simple, direct, and moving description of the maturation process from the infant to the adult personality, identifying the golden soul as the person whose identity is centered in acting for the benefit of all humanity.

LaRouche also spoke to the allegations of his “plot” against Jimmy Carter. Judge Cacheris here prevented LaRouche from reporting the shady background of both “witnesses” for this outlandish concoction—convicted felon Gordon Novel and the alleged source of the assassination plot story, disgraced and discharged police-officer Larry Cooper—in strict contrast to the latitude he gave defense witnesses. But LaRouche told the jury that although he despised Jimmy Carter, he had not only not tried to kill him, but had tried to guarantee his safety against terrorist attack.

NBC goes berserk

At the close of court on Oct. 29, two camera crews from NBC television, equipped with the kind of high-intensity lighting equipment that can flood an area, staked out the front and rear exits of the courthouse, placed a lookout in the first-floor post office, and gave every appearance of planning to intercept LaRouche to delay his departure for the day.

Such action was totally consistent with NBC’s tactic throughout, which was to attempt to show LaRouche as paranoid, even if it meant creating a security incident.

Fortunately, the NBC crews seemed not to have anticipated the route by which LaRouche left the courthouse, however, for he had entered his vehicle and was on his way before the camera crews were able to react.

The role of star provocateur then passed on to NBC’s lead attorney, Thomas Kavalier. NBC attorney Kavalier, whose performance consisted of constantly repeating and embellishing the most vile slanders aired on the TV show, got his chance to cross-examine LaRouche on Tuesday, Oct. 30.

Most astonishing was Kavalier’s decision to introduce LaRouche’s Oct. 23 national television broadcast exposing Walter Mondale’s role as a Soviet agent of influence, as evidence for the defense! Otherwise, Kavalier continued with his method of reading sections of LaRouche’s depositions in hope that they would prove what LaRouche’s testimony did not. LaRouche continually caught Kavalier in taking his dep-

osition statements out of context.

So intent was Kavalier on being the provocative star of the show that he got quite distressed when LaRouche refused to look at him during his reading of the deposition. Kavalier repeatedly asked Judge Cacheris to “make him look at me.” The judge refused.

ADL’s Suall on the spot

The LaRouche side concluded its case by calling Irwin Suall, the “LaRouche expert” who admits to never having read more of LaRouche’s writings than his “clipping service” provides him.

Suall rested his claim that LaRouche is anti-Semitic on the claim that LaRouche used “code-words” to express his anti-Semitism. These ranged from “Rothschild” to “masons” to the ADL itself. In effect, Suall was arguing that an anti-Semite is someone who attacks Irwin Suall!

Not surprisingly, Suall was unable to back up his televised charge that LaRouche “thinks that the Jews are responsible for every evil which besets the world.” He also claimed to have “no recollection” of LaRouche’s use of the term “Judeo-Christian” tradition as a positive description of Western culture.

Summation

After Judge Cacheris denied NBC motions for a directed verdict Oct. 31, LaRouche was recalled to the stand to testify as to his residence. Prior to his appearance on the stand, NBC attorney Kavalier snidely remarked that LaRouche had probably hit the road that morning—in a crude apparent reference to the previous day’s assassination of Indian Prime Minister Indira Gandhi.

During examination of LaRouche Kavalier then further displayed his venality by asking LaRouche if he’d ever been shot at, and then commenting, “I was just curious, I thought it might have been one of your own security guards. I understand that’s a popular thing these days.” At this sick reference to the Gandhi assassination, the NBC and ADL defense teams tittered and laughed.

NBC called only one witness on its behalf, avoiding the issue of convicted felon Novel and Larry Cooper.

In the closing argument, LaRouche attorney Michael Dennis concentrated on one simple point—the outrageous venom and conduct of Kavalier was the embodiment of the malicious intent of NBC.

As if to prove the point, Kavalier’s summation made Josef Goebbels look like a mild, honest fellow. Kavalier called LaRouche “an animal,” “a beast,” “filth,” “a creature,” “vile,” “a Nazi,” and said that it was impossible to destroy LaRouche’s reputation because “he doesn’t have any.” How can the reputation of a Hitler be destroyed?

Kavalier unabashedly declared that NBC had a right to say anything it wanted to about LaRouche. Let them buy their own TV network, he said, if they want to have a balanced characterization of what LaRouche stands for.

NBC's Lynch describes use of phantom 'sources'

Here are excerpts from the transcript of testimony of NBC producer Pat Lynch in the libel suit brought by Lyndon H. LaRouche, Jr. LaRouche's attorney, Michael Dennis, is examining Lynch about Larry Cooper, who was used by NBC as a "source" for a wild concoction that LaRouche plotted to assassinate Jimmy Carter.

Q: So it is your testimony—or I believe your testimony is that you heard this story from a man . . . who you never personally met before this broadcast, knew nothing about except what you read in some news clippings, didn't even know for a fact that Cooper was the individual who talked to you on the telephone, is that correct?

A: Well, the number in the phone book was for Mr. Cooper. The number at the fire department that I called was for Mr. Cooper. I have no doubt that I was speaking with Mr. Cooper.

Q: . . . But you had no other proof other than his statement and these confidential informants that he even had been to Wiesbaden, isn't that so?

A: No, because I went further. . . .

Q: Who else did you speak to about this assassination, alleged assassination plot?

A: Yes, indeed. I then spoke to the person who at one point was a confidential source and they wanted to go on record, Mr. Novel.

Q: Did you do any background check or investigation of Mr. Novel because you were going to use him to support a criminal allegation of the most serious type?

A: Well, my concern was whether or not Mr. Novel was actually a person who had heard the story that Larry Cooper told me. . . .

Q: Did you ever ask him whether he was ever convicted of a crime?

A: I don't recall that I did.

Q: Did you learn prior to the broadcast that he had three felony convictions?

A: I recall that he told me he had spent some time in jail.

Q: Did he tell you how long?

A: No, no.

Q: Did he tell you for what?

A: No. But I believe I may have asked him about the issue of libel or perjury and it had nothing to do with that.

Q: Well, happily, I believe you know, nobody goes to jail in this country for libel. Did you ask him what he spent a long time in jail for?

A: No. I really didn't get into his prior background there. I mean my purpose in speaking to him was to find out if Mr. Cooper had told the story that he said he told. . . .

Q: But you are a responsible reporter by your own testimony. And here you have this individual whom you're going to use to support an allegation of planned murder of the President of the United States by Mr. LaRouche, who told you that he had been convicted of crimes, . . . spent a substantial amount of time in jail, and you didn't even inquire for what he was jailed?

A: Mr. Dennis, I was concerned about Mr. Cooper's story, and then getting to people like George Franklin from the Trilateral Commission and other individuals to find out if there was any credibility, and then to get to the Bureau and the CIA which is what I did do. . . . I wanted to be as fair as possible to Mr. Cooper because he did agree to have his name used in the broadcast.

Q: That is interesting. You say that Cooper, who was fearful for himself and his family, agreed to let you use his name to be broadcast all over the nation and to the persons whom he said he was fearful of allegedly, but that he would not appear on the program. Did you ask him why that was?

A: . . . A lot of people are a little nervous when camera crews come and television crews come. But he said use my name, that's the story.

Q: Did you discuss the fact with anyone at NBC that the so-called corroboration which was not really corroboration by Novel, who was not there, you intended to put on the air, was given by a thrice-convicted felon who had spent time in jail?

Mr. Kavalier: I object to the form of the question.

The Court: Sustained.

Q: [By Mr. Dennis] All right. . . . Did you discuss putting Mr. Gordon Novel on the air to allegedly corroborate what Cooper said he heard—with anyone at NBC and point out that Mr. Novel was a convicted felon who had spent time in jail?

A: . . . No, I did not tell anyone because I didn't know any details about that.

Q: Did [Novel] also tell you that he was arrested by District Attorney Garrison and jailed?

A: As I said to you, he said he had problems, legal problems, but not specifics.

Q: Did you ask what those legal problems were?

A: No, not for specifics, no. I asked him whether the Cooper story was correct and that was what—

Q: That was all you wanted to hear. You didn't care, you didn't care to go into the background of this so-called corroborative source to determine whether he had a vestige of credibility, whether he was a con man or not. Did you care about that?

Mr. Kavalier: Objection, Your Honor. . . .

Q: So it's fair to say the FBI did not corroborate?

A: That's correct.

Q: Did you call any other law enforcement agency about Mr. Cooper's story?

A: Yes. I called the—Mr. Daily Peterson at the Central Intelligence Agency.

Q: . . . So there's no corroboration from the CIA?

A: That's correct.

[Thereupon Mr. Dennis questions her about her unsuccessful attempts to corroborate Cooper and Novel's story with George Franklin of the Trilateral Commission, Zbigniew Brzezinski, former President Carter. . . .]

Q: So there's no corroboration from these sources—

A: That's correct.

Q: So of all the sources—

A: But I did something else, Mr. Dennis.

Q: Tell me exactly what else you did.

A: I then got in touch with a gentleman who is a journalist in Detroit and he is a person who has spent a lot of time writing. His name is Russell Bellant and he has spent a lot of his time investigating the LaRouche organization. . . . And he has a direct line to approximately 20 to 30 defectors from the LaRouche organization—

Q: Did you communicate with this man? What did you ask him? What did he tell you?

A: . . . He told me that the story checked out.

Q: It checked out with whom, did he say?

A: He said one of his sources was actually present.

Q: Oh, another source who was actually present.

A: Uh-huh.

Q: Also an American?

A: I didn't ask him. It was a confidential source.

Q: . . . Did you ask him to supply you with that confidential source to go on television, corroborate that?

A: I would have loved it.

Q: Did you ask?

A: Of course.

Q: What did he say?

A: He said they're confidential.

Q: They're confidential. So you don't even know whether that source exists other than his statement that it's confidential, isn't that so?

A: I have no basis not to believe Mr. Bellant.

Cross-examination by NBC's attorney, Mr. Kavalier:

Q: . . . Another point that Mr. Dennis was very insistent on making, talking about the assassination story, that is Mr. LaRouche's threat to assassinate President Carter, Mr. Brzezinski, and others in Germany. He asked you quite often whether you received any confirmation for that. He asked you whether the FBI confirmed it. He asked you whether the CIA confirmed it. He asked you whether Mr. Brzezinski confirmed it.

Let me ask you this: Did anybody that you talked to at any point prior to the 4th of March tell you to the contrary? Is there anybody who you talked to who said that wasn't true?

A: Absolutely not.

Q: Now, you made a lot of references to confidential sources. Tell us what a confidential source is in the journalism profession.

A: I think the best way to explain it is the Deep Throat mechanism. The person or persons who helped in the Watergate investigation were people who couldn't, for whatever reasons, be revealed. They presented information which enabled that scandal to be exposed. . . .

Q: You have worked for all three networks. Are you aware of the use of confidential sources by reporters at all three networks?

A: And I have used confidential sources at all three networks.

Q: . . . Now, Mr. Dennis seemed very concerned about the reliability of a confidential source. Tell us in a general manner, not necessarily related to the LaRouche story, how you as a journalist verify what someone is telling you when that someone says you can't use my name, you can't put my picture on the air.

A: Well, I try to find as many people as possible who are going to say what this person says. If that doesn't work out, if there is no way that the same story is evolving through all of the people that he or she claims is going to prove this story, then I will stay away from it with a 10-foot pole.